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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 20TH DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.A. No.413 of 2021

In the matter of Section 9 of the
Arbitration and Conciliation Act,
1996

and

In the matter of Agreement for
Construction dated 29.10.2014
Dispute between M/s Annai
Builders Real Estates Pvt. Ltd., and
Mr.K.Prathip.

M/s. Annai Builders Real Estates Pvt. Ltd.,
No.150-151, "Alpha Centre",
4th Floor, North Usman Road,
T.Nagar, Chennai – 600 017.

...Applicant

-VS-

Mr.K.Prathip,
Residing at No.2/188,
Main Road, Annanpanpettai,
Thirukadaiyur PO, Trangubar Taluk,
Nagapattinam – 609 311.

Also residing at
Block A2, Unit VA2D5, "ANNAI AHALAYA",
Kalaingar Karunanithi Street,
Santoshpuram, Vengaivasal,
Chennai – 600 073.

... Respondents

Original Application praying that this Hon'ble Court be pleased to

<https://hcservices.ecourts.gov.in/hcservices>

pass an order of interim injunction restraining the Respondent/his



men/servants/representatives or agents from dealing with the Schedule B property in any manner in order to protect the interest of the Applicant.

This original application coming on this day before this court for hearing in the presence of Mr.S.Patrick, Advocate for the Applicant herein and Ms.Chandini Pradeep for M/s Arun C.Mohan, Advocates for the respondents herein, and upon reading the judges summons and the affidavit of K.Prabhakaran filed herein, it is ordered as follows:-

That both the parties hereto do maintain status quo till the completion of arbitration proceedings.

2. That the applicant herein shall initiate arbitration within a period of 90 days, failing which, the order of status quo will be vacated automatically.

3. That this O.A.No.413 of 2021 do stand closed.

4. That there shall be no costs.

SCHEDULE A

All that piece and parcel of site bearing Plot No.A2 measuring 4335 sq.ft., or thereabouts comprised in old S.No.54/3 part, present S.No.54/1A1 part; in the project “ANNAI AHALYAA” situated in Vengaivasal Village, Sholinganallur Taluk, Kancheepuram District and the Sub Division approved by Planning permit No.246/2014 Office Letter



No.40/2014 and PPA No.246201 dated 29.05.2014.

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Boundaries and Measurements:

Direction	Boundaries	Measurement in Sq.ft.
North by	S.No.55	40'9
South by	20 feet road	40'9
East by	Plot No.B1	107'0'
West by	Plot No.A1	105'9"

The above said property is situated within the Registration District of Chennai South and Sub-Registrar District of Selaiyur.

SCHEDULE B

Block A-2, a Semi-Independent Duplex Villa bearing Unit No.VA2-D5 measuring 1290 sq.ft. Super Built up in 876 Sq.Ft of Undivided Land on Schedule A land, project namely “ANNAI AHALYAA” situated in Vengaivasal Village, Sholinganallur Taluk, Kancheepuram District.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
20th DAY OF SEPTEMBER 2021.

Sd/-

ASSISTANT REGISTRAR (Comm.Cases)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)



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30.10.2021

O.A. No.413 of 2021

ORDER

DATED : 20.09.2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 01.11.2021

APPROVED ON: 01.11.2021



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... Respondents

Original Application praying that this Hon'ble Court be pleased to

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pass an order of interim injunction restraining the Respondent/his



men/servants/representatives or agents from dealing with the Schedule B property in any manner in order to protect the interest of the Applicant.

This Original Application coming on this day before this court for hearing **the court made the following order:-**

This original application has been filed to pass an order of Interim injunction restraining the respondent/his men/servants/ representatives or agents from alienating/dealing with the Schedule B property in any manner in order to protect the interest of the Applicant.

2. Heard the learned counsel for the applicant and the learned counsel for the respondents.

3. It is the contention of the learned counsel for the applicant that despite the construction is completed, the respondent has not paid the due amount. It was agreed in the Construction Agreement that the applicant is bound to deliver the possession after the respondent makes the full payment. Whereas, the respondent forcibly took the possession of the property without making payment of sum of Rs. 50,55,500/- (Fifty Lakhs fifty five thousand and five hundred rupees). Now, he is trying to create a third party right.

4. Despite several opportunities given to file counter and vakalat, no counter has been filed till date.

5. Considering the nature of the application, there shall be an



order of status quo till the completion of arbitration proceedings.

The applicant shall initiate arbitration within a period of 90 days, failing which, the order of status quo will be vacated automatically.

6. Accordingly, this original application is closed. No costs.

Sd./-N.S.K.J.
20.09.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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